

SENATE BILL 1306

P1
SB 700/12 – B&T

CONSTITUTIONAL AMENDMENT

2lr3508

By: **Senators Pipkin, Brinkley, Getty, Kittleman, and Reilly**

Introduced and read first time: May 14, 2012

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Office of the Inspector General – Establishment**

3 FOR the purpose of establishing the office of the Inspector General; specifying
4 eligibility qualifications that an individual must meet for the office; requiring
5 that the Inspector General receive a certain salary; specifying the term of office;
6 providing that an individual who has served as Inspector General for a certain
7 number of terms is ineligible for reelection for a certain period; providing that
8 the Inspector General is subject to removal by the General Assembly under
9 certain circumstances; authorizing the General Assembly to provide by law for
10 the impeachment of the Inspector General; requiring that a certain process for
11 impeachment be consistent with a certain provision of the Maryland
12 Constitution; specifying the method to be used for filling a vacancy in the office
13 of Inspector General; prohibiting an individual who has held the office of
14 Inspector General from being a candidate in a certain election for a certain time
15 period after leaving office; specifying the duties and powers of the Inspector
16 General; and submitting this amendment to the qualified voters of the State of
17 Maryland for their adoption or rejection.

18 BY proposing an addition to the Maryland Constitution

19 New Article XX – Inspector General

20 Section 1 through 6

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, (Three-fifths of all the members elected to each of the two Houses
23 concurring), That it be proposed that the Maryland Constitution read as follows:

24 **ARTICLE XX – INSPECTOR GENERAL**

25 1.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A) THERE IS AN INSPECTOR GENERAL ELECTED BY THE QUALIFIED**
2 **VOTERS OF THE STATE.**

3 **(B) TO BE ELIGIBLE FOR THE OFFICE OF INSPECTOR GENERAL, AN**
4 **INDIVIDUAL:**

5 **(1) SHALL BE AT LEAST 25 YEARS OLD AND A RESIDENT OF THE**
6 **STATE; AND**

7 **(2) MAY NOT HAVE HELD ANOTHER ELECTED OFFICE IN THE**
8 **STATE WITHIN 2 YEARS BEFORE THE ELECTION FOR INSPECTOR GENERAL IS**
9 **HELD.**

10 **(C) THE INSPECTOR GENERAL SHALL RECEIVE THE SALARY**
11 **ESTABLISHED BY LAW.**

12 **2.**

13 **(A) THE TERM OF OFFICE OF THE INSPECTOR GENERAL:**

14 **(1) IS 4 YEARS, AND UNTIL THE SUCCESSOR QUALIFIES AND**
15 **TAKES OFFICE; AND**

16 **(2) SHALL BEGIN ON THE THIRD WEDNESDAY OF JANUARY IN**
17 **THE YEAR FOLLOWING THE ELECTION OF THE INSPECTOR GENERAL.**

18 **(B) AN INDIVIDUAL WHO HAS SERVED TWO CONSECUTIVE POPULAR**
19 **ELECTIVE TERMS OF OFFICE AS INSPECTOR GENERAL SHALL BE INELIGIBLE**
20 **FOR THE TERM IMMEDIATELY FOLLOWING THE SECOND OF THE TWO**
21 **CONSECUTIVE TERMS.**

22 **3.**

23 **(A) THE INSPECTOR GENERAL IS SUBJECT TO REMOVAL FROM OFFICE**
24 **BY THE GENERAL ASSEMBLY FOR INCOMPETENCY, MALFEASANCE IN OFFICE,**
25 **OR WILLFUL NEGLECT OF DUTY.**

26 **(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
27 **GENERAL ASSEMBLY MAY PROVIDE BY LAW FOR THE IMPEACHMENT OF THE**
28 **INSPECTOR GENERAL.**

1 **(2) THE PROCESS FOR IMPEACHMENT PROVIDED BY LAW UNDER**
2 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH SECTION 26**
3 **OF ARTICLE III OF THIS CONSTITUTION.**

4 **4.**

5 **(A) IN THE CASE OF A VACANCY IN THE OFFICE OF INSPECTOR**
6 **GENERAL, OCCASIONED BY DEATH, RESIGNATION, REMOVAL FROM OFFICE, OR**
7 **OTHER DISQUALIFICATION, THE VACANCY SHALL BE FILLED:**

8 **(1) IF THE VACANCY OCCURS MORE THAN 2 YEARS BEFORE THE**
9 **EXPIRATION OF THE INSPECTOR GENERAL'S TERM, THROUGH A SPECIAL**
10 **ELECTION HELD IN A MANNER PROVIDED BY THE GENERAL ASSEMBLY BY LAW;**
11 **OR**

12 **(2) IF THE VACANCY OCCURS 2 YEARS OR LESS BEFORE THE**
13 **EXPIRATION OF THE INSPECTOR GENERAL'S TERM, THROUGH THE**
14 **APPOINTMENT OF A SUCCESSOR BY THE GENERAL ASSEMBLY IN ACCORDANCE**
15 **WITH SUBSECTION (B) OF THIS SECTION.**

16 **(B) A SUCCESSOR TO THE OFFICE OF INSPECTOR GENERAL SHALL BE**
17 **APPOINTED ON JOINT BALLOT BY THE TWO HOUSES OF THE GENERAL**
18 **ASSEMBLY AT THE NEXT REGULAR OR EXTRAORDINARY SESSION OF THE**
19 **GENERAL ASSEMBLY FOLLOWING THE CREATION OF THE VACANCY.**

20 **5.**

21 **AN INDIVIDUAL WHO HAS HELD THE OFFICE OF INSPECTOR GENERAL**
22 **MAY NOT BE A CANDIDATE IN AN ELECTION HELD IN THE STATE WITHIN 4 YEARS**
23 **AFTER LEAVING THE OFFICE.**

24 **6.**

25 **THE INSPECTOR GENERAL SHALL:**

26 **(1) INVESTIGATE ALLEGATIONS OF FRAUD AND WASTE IN THE**
27 **EXECUTIVE BRANCH;**

28 **(2) CONDUCT AUDITS OF THE EXECUTIVE BRANCH; AND**

29 **(3) HAVE ANY POWERS AND PERFORM ANY DUTIES PROVIDED BY**
30 **LAW BY THE GENERAL ASSEMBLY.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 determines that the amendment to the Maryland Constitution proposed by this Act
3 affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the
4 Maryland Constitution concerning local approval of constitutional amendments do not
5 apply.

6 SECTION 3. AND BE IT FURTHER ENACTED, That the foregoing section
7 proposed as an amendment to the Maryland Constitution shall be submitted to the
8 qualified voters of the State at the next general election to be held in November, 2012
9 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution.
10 At that general election, the vote on this proposed amendment to the Constitution
11 shall be by ballot, and upon each ballot there shall be printed the words “For the
12 Constitutional Amendment” and “Against the Constitutional Amendment,” as now
13 provided by law. Immediately after the election, all returns shall be made to the
14 Governor of the vote for and against the proposed amendment, as directed by Article
15 XIV of the Maryland Constitution, and further proceedings had in accordance with
16 Article XIV.